

## **REMARKS**

Claims 11 through 17, 20 through 24, 26 through 28, and 37 are now pending in the application. In order to place the application in better condition for allowance, previously withdrawn Claims 1 through 10, 19, 25, and 29 through 36 are herein canceled. Claim 37 is herein added. Claims 11, 20, and 21 are herein amended. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 102**

Claims 11 through 13, 15, 17 through 18, and 20 through 24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Smith et al. (U.S. Pat. No. 6,319,438). This rejection is respectfully traversed.

It is initially noted Claim 18 has been herein canceled, rendering the 35 U.S.C. § 102(b) rejection of Claim 18 moot.

It is further initially noted Claim 1 has been amended herein to recite in part:

“coextruding a film layer having a film thickness ranging from 0.30 mm up to 0.7 mm using the steps of:

forming a color layer; and

binding the color layer to a bulk layer;

thermoforming the film layer;

positioning the thermoformed film layer in a mold of a molding machine; and

injection molding a polymeric material containing a foaming agent into the mold to create a foam layer bonded to the thermoformed film layer.

Support for this amendment is found in paragraphs [0029] and [0039] of the specification.

Smith et al. disclose a minimum clear coat 79 thickness of 0.00015 inches thick. See column 17, lines 56-57. Smith et al. also disclose a color layer thickness of 0.030 inches. See column 9, lines 10-12 and 24-25. These two layer thicknesses equate to a minimum thickness of 0.03015 inches (0.76 mm). Smith et al. do not disclose a coextruded film layer having a film thickness ranging from 0.30 mm up to 0.7 mm.

Smith et al. therefore cannot anticipate Claim 11. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 102(b) rejection of Claim 11. Because Claims 12 through 13, 15, and 17 depend from Claim 11, Smith et al. cannot anticipate any of Claims 12 through 13, 15, or 17 for at least the same reasons. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 102(b) rejection of Claims 12 through 13, 15, and 17.

It is initially noted Claim 20 has been amended to recite in part:

“creating a polymeric film having a clear layer and a color layer, the film having a film thickness ranging from 0.30 mm up to 0.7 mm”.

Support for this amendment is found in paragraph [0029] of the specification.

Smith et al. do not disclose a polymeric film having a clear layer and a color layer, the film having a film thickness ranging from 0.30 mm up to 0.7 mm.

Smith et al. therefore cannot anticipate Claim 20. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 102(b) rejection of Claim 20. Because Claims 21 through 24 depend from Claim 20, Smith et al. cannot anticipate any of Claims 21 through 24 for at least the same reasons. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 102(b) rejection of Claims 21 through 24.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 14, 16, and 26 through 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith et al. (U.S. Pat. No. 6,319,438). This rejection is respectfully traversed.

As noted above, Smith et al. appear to teach a clear layer and a color layer having a combined thickness greater than or equal to 0.76 mm.

Smith et al. do not teach or suggest a film layer having a film thickness ranging from 0.30 mm up to 0.7 mm.

The suggested modification of Smith et al. therefore cannot render Claim 11 obvious. Because Claims 14 and 16 depend from Claim 11, the suggested modification of Smith et al. cannot render Claims 14 or 16 obvious for at least the same reasons. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 103(a) rejection of Claims 14 and 16.

For the same reasons, Smith et al. do not teach or suggest creating a polymeric film having a clear layer and a color layer, the film having a film thickness ranging from 0.30 mm up to 0.7 mm as recited in amended Claim 20.

The suggested modification of Smith et al. therefore cannot render Claim 20 obvious. Because Claims 26 through 28 depend from Claim 20, the suggested modification of Smith et al. cannot render any of Claims 26 through 28 obvious for at least the same reasons. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 103(a) rejection of Claims 26 through 28.

#### **AMENDED CLAIM 21**

Claim 21 has been amended based on the incorporation of a color and a clear layer in independent Claim 20. The Examiner is respectfully requested to enter amended Claim 21.

#### **NEW CLAIM 37**

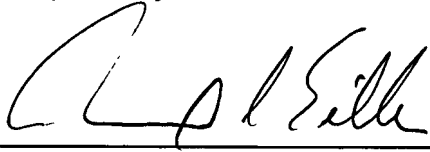
Claim 37 has been added herein, defining over the recited reference of US Patent 6,319,438 to Smith et al. Support for Claim 37 is found in paragraphs [0029] and [0039] of the specification. The Examiner is respectfully requested to enter new Claim 37.

### CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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